

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 11025

PERMIT 6493

LICENSE 3088

ORDER TO CORRECTING POINT OF DIVERSION
AND PLACE OF USE

WHEREAS:

1. License 3088 was issued to Letha C. Middleton, Ena Delco Creps, David Creps, Wilma Marie Creps LaPerle and Irene Creps and filed with the County Recorder of Sutter County on June 9, 1950.
2. License 3088 was subsequently assigned to David C. Creps, Ena Delco Creps, Wilma Marie Creps LaPerle, Irene Creps, Loretta Peacock, Larry Middleton and Dolores R. Thompson.
3. A petition for correction of the location of the point of diversion and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause to correct the above discrepancies has been shown.
4. The Board has determined that the petitioned corrections do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The licensed condition pertaining to the continuing authority of the Board does not conform to the current common law public trust doctrine as contained in Title 22, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Condition of the license regarding the point of diversion be corrected to read as follows:

South eighty-two degrees East (S 82° E) one thousand four hundred and sixty (1,460) feet from NW corner of Section 35, T14N, R2E, MDB&M, being with NW¼ of NW¼ of said Section 35, also described as California Coordinate System, Zone 2, N 494,900 and E 2,079,930.

(0000002)

2. The Condition of the license regarding the place of use be corrected to read as follows:

75 acres within the following gross area as shown on a map on file with the State Water Resources Control Board.

205.7 acres within Section 27, T14N, R2E, MDB&M,
347.9 acres within Section 34, T14N, R2E, MDB&M,
85.3 acres within Section 35, T14N, R2E, MDB&M,
121.0 acres within Section 2, T13N, R2E, MDB&M,
218.0 acres within Section 3, T13N, R2E, MDB&M,
4.6 acres within Section 10, T13N, R2E, MDB&M,
983.3 Acres Total

(0000004)

3. The continuing authority condition in License 3088 be amended to read as follows:

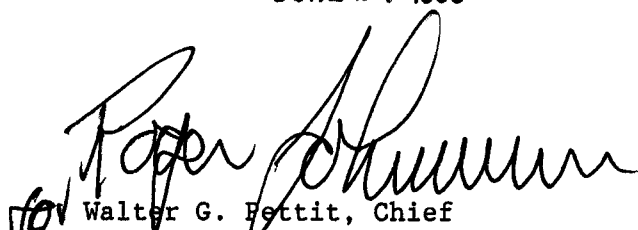
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: JUNE 27 1990


Walter G. Pettit, Chief
Division of Water Rights

4



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 11025

PERMIT 6493

LICENSE 3088

THIS IS TO CERTIFY, That **Letha C. Middleton, Ena Dalco, David C.,
Wilma Marie, and Irene Creps**
Wheatland, California

Notice of Assignment (Over)

have made proof as of **October 10, 1949,**
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Main Collecting Canal of Sacramento-San Joaquin Drainage District System in
Sutter County
tributary to **Sutter By-pass and Sacramento River**

for the purpose of **irrigation use**

under Permit **6493** of the Department of Public Works and that said right to the use of said water has
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from **April 6, 1945;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **two (2) cubic feet per**
second to be diverted from about May 1 to about October 1 of each year.

The equivalent of such continuous flow allowance for any thirty day period
may be diverted in a shorter time if there be no interference with other vested
rights.

The point of diversion of such water is located **East one thousand three hundred fifty**
(1350) feet from the NW corner of Section 35, T 14 N, R 2 E, M.D.B. & M., being
within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 35.

A description of the lands or the place where such water is put to beneficial use is as follows: **75 acres**
within W $\frac{1}{2}$ of W $\frac{1}{2}$ of Section 35, T 14 N, R 2 E, M.D.B. & M., as shown on the map
filed with the State Engineer.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion
herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public Works of the State of California, this 8th day of June, 1950

A. D. Edmonston
A. D. EDMONSTON,
State Engineer

12/25/50 RECEIVED NOTICE OF ASSIGNMENT TO Letha C. Middleton, Ena Delco Creps, David C. Creps, Wilma Marie Creps La Berle & June Creps

11/30/67 RECEIVED NOTICE OF ASSIGNMENT to Int. of Letha C. Middleton to Milton Middleton & Loretta Peacock;

1/17/89 Int. of Milton Middleton Asgd to Larry E. Middleton & Dolores R. Thompson
2/17/89 NAME CHANGE FROM LORETTA PEACOCK TO: LORETTA McLELLAN

LICENSE 3088

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Ena Delco Creps et al.

DATED June 8, 1950

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2